



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.  
COMMISSIONER

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December 10, 2007

Ms. Libby Watson  
Assistant City Manager  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102


Dear Ms. Watson:

This is an agreement by the Department of State Health Services (DSHS) to take no enforcement action regarding the demolition of the structure located at 5901 Boca Raton Boulevard, in the Oak Hollow Apartments in Fort Worth, using the Alternate Asbestos Control Method (AACM).

The Region 6 office of the United States Environmental Protection Agency (EPA), the EPA Office of Research and Development, and the City of Fort Worth are cooperating in an evaluation of the AACM for demolition of buildings constructed with certain asbestos-containing building materials. EPA issued its decision on December 4, 2007 to exercise discretion to exempt this demolition project from enforcement of certain provisions of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos. The City of Fort Worth has requested an assurance of no enforcement action from DSHS for this project.

DSHS will exercise its enforcement discretion, as provided in Texas Occupations Code § 1954.060(c), to refrain from enforcing applicable provisions of the Texas Asbestos Health Protection Act and Rules (Occupations Code Chapter 1954 and 25 Texas Administrative Code, Chapter 295, Subchapter C), and the federal asbestos NESHAP, 40 CFR Part 61, Subpart M, §§61.145(c)(1) through (6), against activities conducted to demolish the property in accordance with the AACM as detailed in the site-specific Quality Assurance Project Plan. The DSHS no-action assurance is effective immediately and expires at midnight on Thursday, January 31, 2008. The DSHS no-action assurance expires immediately upon deviation from the AACM protocols as detailed in the site-specific Quality Assurance Project Plan.

Sincerely,

  
Kathryn C. Perkins, R.N., M.B.A.  
Assistant Commissioner  
Regulatory Services Division